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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

BLENDTEC, INC., a Utah corporation,

Plaintiff,

vs.

BLENDJET INC., a Delaware corporation,
MAVORCO HOLDINGS, LLC, a
Delaware limited liability company,
MAVORCO IP, LLC, a Delaware limited
liability company, and **MAVORCO
OPERATIONS, LLC**, a Delaware limited
liability company,

Defendants.

**DECLARATION OF BRIAN BUCHANAN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION**

Civil Case No. 2:25-cv-00096-DBP
Judge Dustin B. Pead

I, BRIAN BUCHANAN, hereby declare as follows:

1. I am the Chief Operating Officer and President of Blendtec, Inc. ("Blendtec"), the Plaintiff in the above-captioned action. I submit this declaration in support of Blendtec's Motion for Preliminary Injunction (the "Motion"). I am fully familiar with the facts set forth in this

declaration from personal knowledge or from documents I have reviewed. If called as a witness, I could and would testify competently under oath to the facts contained herein.

A. Blendtec has strong trademark rights in BLENDTEC and a Swirl Design trademark for blenders.

2. Blendtec owns all right, title, and interest to trademark Registration No. 2,431,060 for “BLENDTEC” issued by the United States Patent and Trademark Office (“USPTO”). Attached to this declaration as **Exhibit 1** is a true and correct copy of the registration for the Blendtec trademark. All further exhibits attached to this declaration are also true and correct copies of the subject document. The “BLENDTEC” trademark will be referred to in this declaration as the “Blendtec Mark.”

3. Blendtec also owns all right, title, and interest to trademark Registration No. 4,050,765 issued by the USPTO for Blendtec’s Swirl design mark (the “Swirl Design Mark”). *See Exhibit 2.* Collectively, I will refer to Blendtec’s Blendtec Mark and its Swirl Design Mark in this declaration as the “Blendtec Marks.”

4. Blendtec’s Blendtec Marks are shown below:



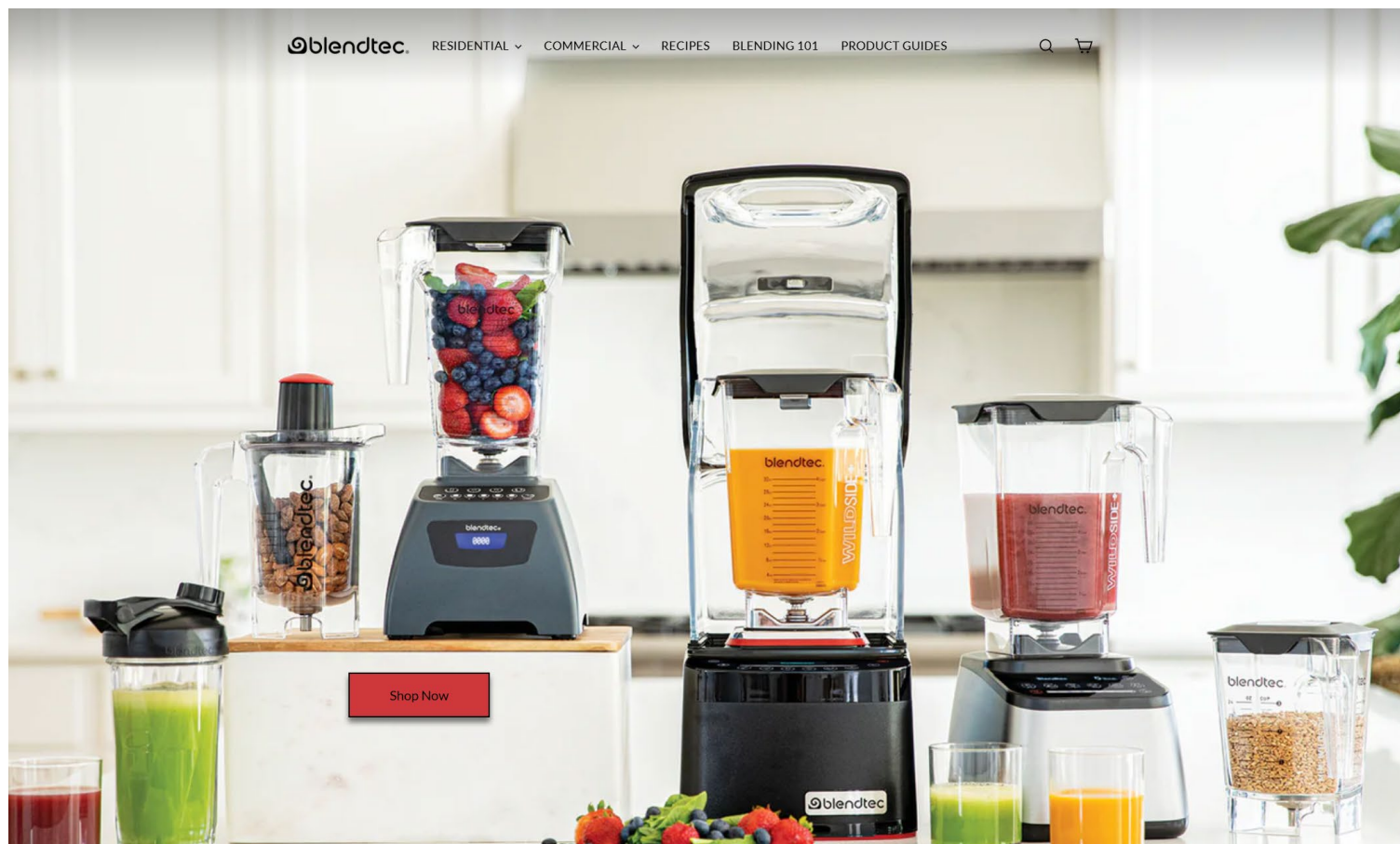
5. Blendtec has manufactured and sold a variety of consumer and professional grade blenders since its founding in 1975. Blendtec offers a premium blender that has been among the top selling blenders in the United States for many years. Blendtec has used the Blendtec Marks to advertise and promote its blenders for decades, including on all Blendtec advertising, on its manuals, and on its products. For example, the screenshot below is of the front and back cover of a June 2001 Blendtec blender manual that shows use of the Blendtec Mark along with an early

version of Blendtec's Swirl design mark:



See **Exhibit 3** (June 2001 Blendtec manual).

6. The screenshot below shows Blendtec's website at www.blendtec.com, as it currently appears, with the Blendtec Marks at the top of the website and on Blendtec's blenders:

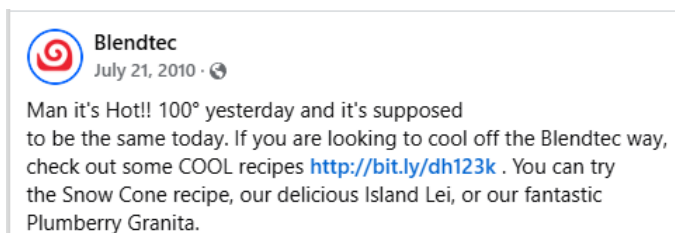


<https://www.blendtec.com/>.

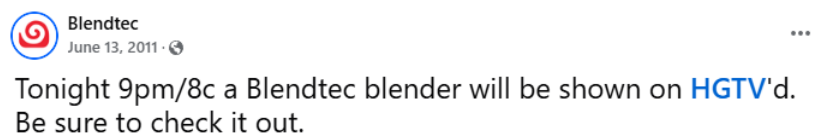
7. For years, Blendtec has also promoted and used the Blendtec Marks on its social media accounts, including Instagram (~95,000 followers), Facebook (~171,000 followers), and Pinterest (~46,000 followers). The following are examples of some early (2009 through 2013) Facebook advertisements published by Blendtec:



<https://www.facebook.com/photo?fbid=156103796269&set=a.151715581269>




<https://www.facebook.com/Blendtec/posts/pfbid0Mf29HHrporem5eyx4PpcJab624de2H4dpBGg9bwW2NY1A93iYdoQLnwY4Qh3kuPgl>.



<https://www.facebook.com/Blendtec/posts/pfbid018jr6R1AWTPQjmYvt1SBadofdLhPU6ETjU29Usocm67moo3CzXL4735X4ttxBTE2l>.



<https://www.facebook.com/photo/?fbid=10150800049356270&set=a.151715581269>.

 **Blendtec · Follow**
July 9, 2013 · 🌐

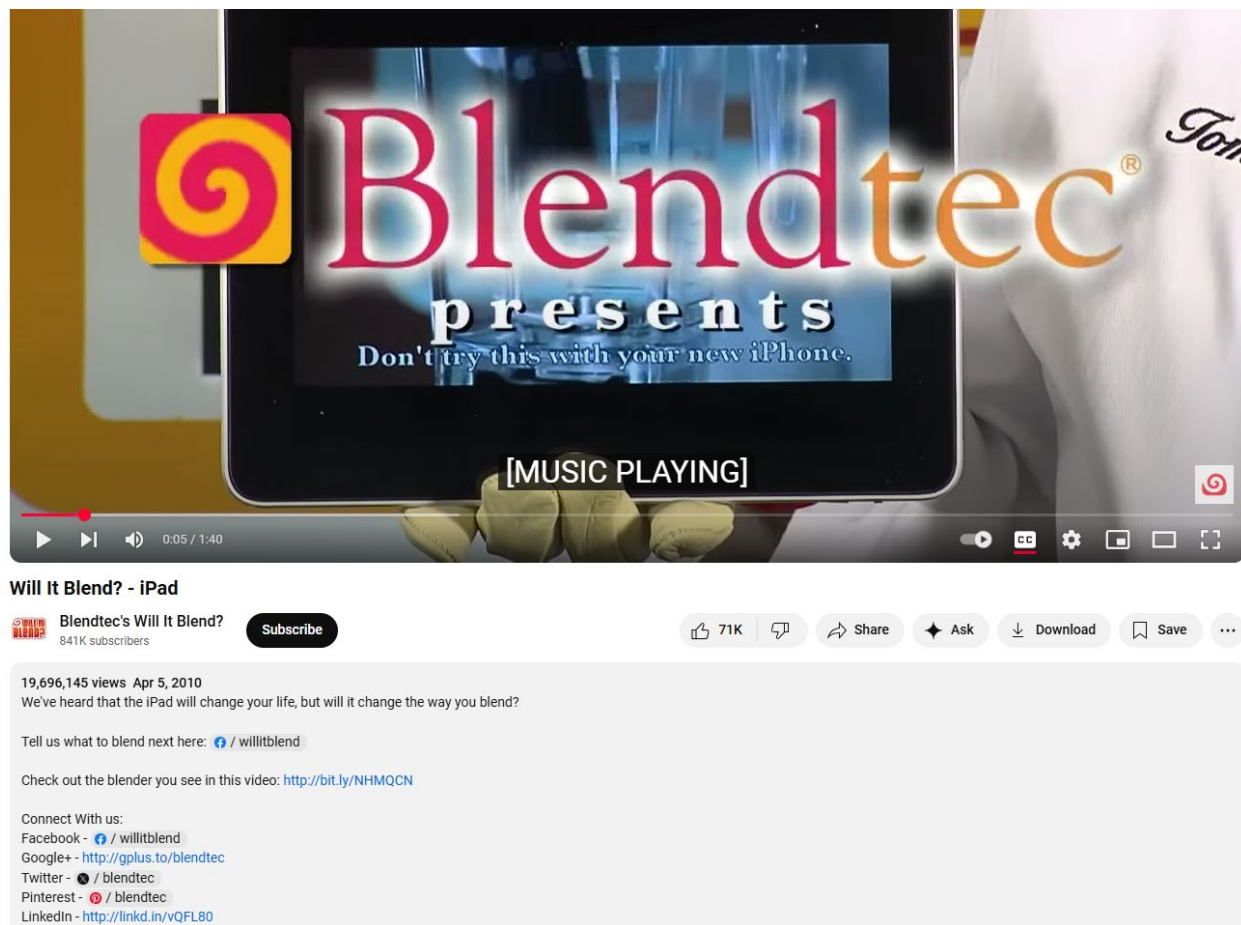
Delicious frozen treats? Healthy workout shakes? Wholesome green smoothies? What would you make with your very own Blendtec blender? Let us know in the comments!

WWW.BLENDETC.COM

Total Blender Classic
Amazing creations in 90 seconds or less. Check out the one and only world-famous blender.

<https://www.facebook.com/Blendtec/posts/10151532190991270>.

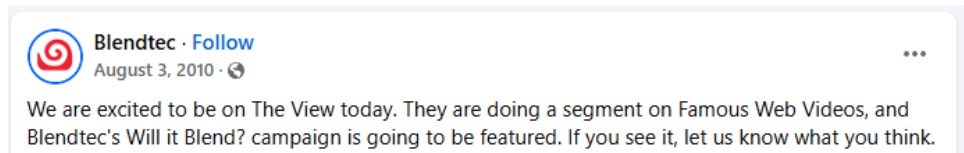
8. Blendtec has also published 180+ videos on YouTube, some of which have received millions of views. For example, on April 5, 2010, Blendtec published a video on YouTube that has been viewed 19,696,145 times, as shown by the following screenshot of the video:



<https://www.youtube.com/watch?v=1A128d6tbko>.

9. Blendtec's Will-it-Blend YouTube series has been recognized as one of the most successful internet marketing campaigns in history. *See* https://en.wikipedia.org/wiki/Will_It_Blend%3F. Will-it-Blend was nominated for the 2007 YouTube Award for Best Series, it won Net's 2007 Viral Video Campaign of the Year, and the bronze-level Clio Award for Viral Video in 2008. *See id.* The following screenshot shows a

Blendtec Facebook post promoting a segment on The View about “Famous Web Videos” that featured Blendtec’s Will-it-Blend series:



<https://www.facebook.com/Blendtec/posts/pfbid02jzuYAvePQgYgvZeNZyaQ934ED8jMqbxypgY3bQec3EMcCC6GvSrLgvRwQzhGbUvgl>.

10. Blendtec’s advertising efforts (including the famous Will-it-Blend YouTube series), media appearances (including The Tonight Show with Jay Leno, The Today Show, the View, and on the Discovery Channel), and its commercial accomplishments have contributed to its reputation and goodwill, making Blendtec a well-known and recognized name in the field of blenders throughout the United States and globally.

11. Over the decades, Blendtec has invested tens of millions of dollars and has tirelessly worked to achieve brand recognition and a stellar reputation. Blendtec has enjoyed hundreds of millions of dollars in sales.

B. Blendjet starts selling blenders under BLENDJET and a swirl design mark.

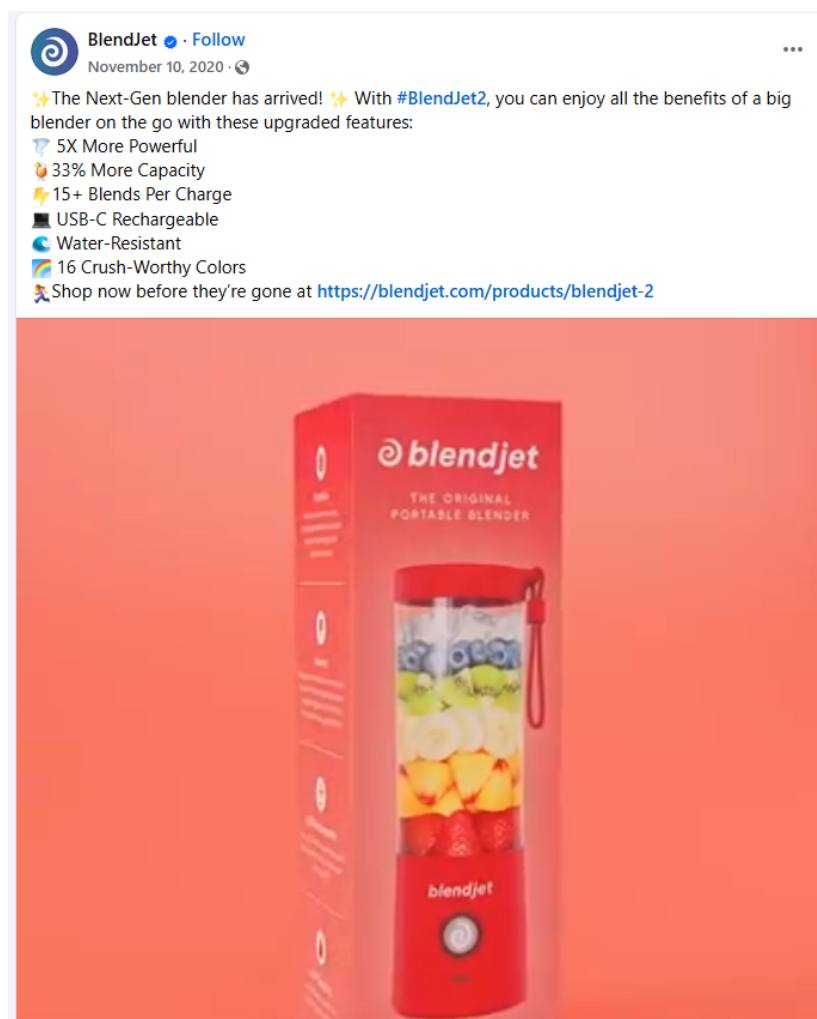
12. Although Blendtec did not learn of Blendjet until much later, I understand that, in late 2017 or early 2018, decades *after* Blendtec began using its Blendtec Marks, Blendjet began using the “BLENDJET” trademark and a swirl design mark (the “Blendjet Marks”) in connection with selling portable blenders. The parties’ respective marks are shown side-by-side below:



13. My understanding is that, for the first few years, Blendjet sold its blenders direct-

to-consumer only on the www.blendjet.com website. Eventually Blendjet began selling its blenders through retail stores nationwide, including Target, Walmart, Costco, and Home Depot. Blendtec currently sells, or has sold in the past, its own blenders at these same retail outlets.

14. In late 2020, Blendjet started promoting its “Blendjet 2” blender, which it marketed as directly competing with countertop blenders. In a June 2021 article, Blendjet’s CEO publicly stated that “Blendjet is on a mission to wipe out the old style of blenders – those big, clunky machines lingering in kitchens everywhere.” **Exhibit 4** (Blendtec389583). Blendjet advertised the Blendjet 2 as having “all the benefits of a big blender on the go”:



<https://www.facebook.com/blendjet/videos/400388974466726>.

15. In July of 2022, Blendjet expanded its product line by introducing its XL Jar. In an advertisement for its full-size jar, Blendjet represented that “with a simple twist, turn your Blendjet into a full-sized blender for use anywhere from the Kitchen to the Pool”:



Exhibit 5 (Blendtec000972).

C. Blendtec sues Blendjet for trademark infringement.

16. In November 2021, Blendtec sued Blendjet in the United States District Court for the District of Utah for trademark infringement. *See* Case No. 2:21-cv-000668-TC-DBP (the “2021 Action”). The 2021 Action is currently pending. Blendtec has filed a motion to consolidate this case into the 2021 Action. *See* ECF No. 200 in the 2021 Action.

D. Blendtec has received hundreds of inquiries from confused Blendjet customers.

17. Blendtec employees and consumers have expressed concern about the similarity between the Blendtec Marks and the Blendjet Marks in terms of how they look and sound. For example, a Blendtec employee advised others at Blendtec that “[m]y wife just sent me an Instagram ad for a company named Blendjet. Logo is very similar to ours and the name sounds like Blendtec as well.” **Exhibit 6** (Blendtec632441). Other examples are attached as **Exhibit 7** (“I was on pinterest today and saw a promoted pin for ‘blendjet’ that also has a logo just like yours.”) (Blendtec002681); **Exhibit 8** (“there’s a portable blender company using a logo that looks very much like yours with a similar name”) (Blendtec001028); **Exhibit 9** (asking if Blendtec had put out a “small portable product” and stating that the Blendjet “logo looks similar to yours”) (Blendtec103356); **Exhibit 10** (“There’s a company from China kind of looks like they are ripping off on your name and your trademark. They are calling themselves blendjet.”) (Blendtec062041).

18. Blendtec has received hundreds, if not thousands, of inquiries from confused Blendjet customers regarding their Blendjet blenders. These consumer inquiries usually come in through Blendtec’s website contact form or through emails and calls to our customer service department. Many of these callers mistakenly believe that the Blendjet blender is the “smaller” or “portable” blender put out by Blendtec. Other callers mistakenly believe that Blendjet is somehow affiliated with or sponsored by Blendtec. For example, one consumer asked Blendjet if it had put out a “small portable product.” **Exhibit 9**. Another stated that “I’ve been seeing this thing lately. Is this from Blendtec or are they just spoofing in Blendtec’s good name?” **Exhibit 11** (Blendtec001101). Another Blendtec customer advised Blendtec that “I thought [the Blendjet blender] was a new Blendtec product.” **Exhibit 8** (Blendtec001028). Another consumer asked

Blendtec “if you are making a battery powered blender called a blendjet.” **Exhibit 12** (Blendtec065750).

19. Nearly all the confused customers contact Blendtec to complain about their Blendjet blender being faulty or defective or about some aspect of Blendjet’s customer service. Many of the confused customers request a refund or replacement from Blendtec or try to submit a warranty claim for their Blendjet blender to Blendtec. The confused customer calls are so frequent and regular that Blendtec’s customer service department keeps Blendjet’s telephone number handy to provide to the callers.

20. Set forth below are just some examples, *out of hundreds, if not thousands*, of confused customer inquiries that Blendtec has received from Blendjet customers:

- (1) On January 11, 2020, a Blendjet customer wrote to Blendtec with a “question regarding my broken blendjet.” See **Exhibit 13** (Blendtec073673).
- (2) On March 18, 2020, a Blendjet customer tried to return to Blendtec her “Blendjet and receive a refund” because she is “really disappointed by this product unfortunately the quality is quite low.” See **Exhibit 14** (Blendtec066071).
- (3) On May 12, 2020, a Blendjet customer complained to Blendtec that she had “ordered a black blendjet” and had “not received it.” See **Exhibit 15** (Blendtec744210).
- (4) On June 14, 2020, a Blendjet customer complained to Blendtec that “I ordered my Blendjet blender on 5/31/2020” and have not received it. See **Exhibit 16** (Blendtec201099).
- (5) On August 21, 2020, a customer complained to Blendtec that “I recently bought a Blend-jet and it’s not working even after charging overnight. What should I do?” See **Exhibit 17** (Blendtec188466).
- (6) On December 18, 2020, a Blendjet customer reached out to Blendtec because she was “trying to get in touch with someone about my order” of a Blendjet. See **Exhibit 18** (Blendtec220860).

- (7) On January 6, 2021, a consumer advised Blendtec that “I was excited to see you guys have a new small portable product, but I don't think it is your company that makes it. Do you guys make the blendjet? Their logo looks similar to yours, so I wasn't sure. I saw them on an ad on facebook.” *See Exhibit 9* (Blendtec103356).
- (8) On March 3, 2020, a Blendjet customer complained to Blendtec that “stopped working.” *See Exhibit 19* (Blendtec233102).
- (9) On February 19, 2021, a Blendjet customer complained to Blendtec that “I bought two Blendjet 2’s. . . . Presently, I’m disappointed. Both Blendjets are not functioning.” *See Exhibit 20* (Blendtec125874).
- (10) On March 23, 2021, a Blendjet customer complained to Blendtec about a “Blend jet malfunction,” stating that “my Blendjet will not charge.” *See Exhibit 21* (Blendtec106325).
- (11) On April 27, 2021, a Blendjet customer complained to Blendtec that “I received a charge from paypal on my credit card” and “I think it came from blendjet.” *See Exhibit 22* (Blendtec169429).
- (12) On May 17, 2021, a Blendjet customer purchased a warranty from Blendtec for Blendjet blender. *See Exhibit 23* (Blendtec008897).
- (13) On June 12, 2021, a Blendjet customer complained to Blendtec that “I purchased a Blendjet from QVC” and “liquid drained out of” it on the first use. *See Exhibit 24* (Blendtec161868).
- (14) On August 3, 2021, a Blendjet customer complained to Blendtec that “I received my blend jet blender and when I ordered it there was free shipping however, when it was delivered there was a COD charge. . . . If I had known this I would NEVER bought your product. Extremely disappointing.” *See Exhibit 25* (Blendtec043977).
- (15) On December 21, 2021, PissedConsumer.com forwarded to Blendtec a complaint from a Blendjet customer and stated that “one of your customers . . . decided to contact you through reviews and complaints platform PissedConsumer.com.” *See Exhibit 26* (Blendtec744135).
- (16) On December 30, 2021, a Blendjet customer submitted a warranty claim to Blendtec for a “blendjet 2” blender stating that “used 2x and now doesn’t work”. *See Exhibit 27* (Blendtec001868).
- (17) On February 16, 2022, a Blendjet customer wrote to Blendtec for “Blendtec help,” complaining that: her Blendjet blender had “melted”:

Hi! We got our blendtecs for Christmas. One of ours was getting really hot while charging and melted? Here are pics of the blender and charger. I'm thankful I was standing right there next to it and smelled a strange smell, tried to pull the charging cord out, cord was melted, and the metal stuck in.
I appreciate any help on this issue!
Thank you,
...

Exhibit 28 (Blendtec001836).

- (18) On March 18, 2022, a Blendjet customer complained to Blendtec that “my blend jet is stopped working” after “used it 3 or 4 times.” *See Exhibit 29* (Blendtec001829 and Blendtec001827).
- (19) On May 6, 2022, a Blendjet customer called Blendtec to complain about a defective Blendjet blender. *See Exhibit 30* (Transcript of audio recording produced at Blendtec001371.).¹
- (20) On May 20, 2022, a Blendjet customer called Blendtec to complain about her Blendjet 2 that had come with the “plug, but not the adapter.” *See Exhibit 31* (Transcript of audio recording produced at Blendtec001373.).
- (21) On June 23, 2022, a Blendjet customer complained to Blendtec that “I’m really disappointed that until this moment I didn’t receive my blendjet2.” *See Exhibit 32* (Blendtec001454).
- (22) On August 13, 2022, a Blendjet customer wrote to Blendtec Customer Support regarding a “Faulty Blendtec 2.” *See Exhibit 33* (Blendtec001834). The customer stated that she had purchased the “blendtec 2” at Bed Bath and Beyond, where she had returned the blender for a refund. *Id.* at Blendtec001833.²
- (23) On September 20, 2022, a Blendjet customer called Blendtec to complain about his faulty Blendjet 2. *See Exhibit 34* (Transcription of audio recording produced at Blendtec001383.). After Blendtec told the customer that he had called Blendtec instead of Blendjet, the customer responded with “that’s confusing”. *Id.*

¹ I have attached transcripts of the audio recordings of the Blendtec customer service calls referenced herein. If the Court would like, I can also submit the actual audio recordings themselves.

² Blendtec does not make a “Blendtec 2.” This caller appears to be referring to Blendjet’s Blendjet 2 blender.

- (24) On November 28, 2022, an angry and confused consumer who searched Blendtec's website after seeing a Blendjet ad, advised Blendtec that "you just lost a sale (and good will)":

From: michaeltusoni@aol.com
To: Customer Support <support@blendtec.com>
Date: Mon, 28 Nov 2022 07:18:50 +0000

Your current TV ads show the Blendjet 2 16oz portable blender; and they mention going to your website for a Cyber Monday major discount.

I spent an hour on your site trying to find the Blendjet 2... to NO AVAIL. So not only could I NOT find the item, I obviously could not find the cost and the Cyber Monday discount!

I've never done business with you, so I'm troubled that your TV ad just might be a scam. By the time you read this and by the time I read your reply (if you send one), Cyber Monday will be gone.

So if you are legit, I suppose you just lost a sale (and good will).

Sincerely,
Michael Tusoni
text => 623.980.5783

See Exhibit 35 (Blendtec003705).

- (25) On January 3, 2024, a customer called Blendtec stating that "I saw an ad for your . . . the new smaller little blender, what's it . . . Blendjet? Is that what it's called?" After Blendtec advised the customer that the Blendjet blender was from a different company, the customer asked: "So that's not a blender that you guys make that's smaller? . . . Is that still Tom Dickson's invention though?" *See Exhibit 36* (Transcript of audio recording produced at Blendtec744203.). (Tom Dickson is the founder of Blendtec and is featured in the Will-it-Blend videos.).

21. In addition to the examples of consumer confusion set forth above that were amongst the many received by Blendtec, I would anticipate and expect that Blendjet has also received many inquiries from confused customers.

E. The Blendjet Recall and the aftermath Blendtec experienced

22. In late December of 2023, I learned from a CNN news story that Blendjet had issued a massive recall of its Blendjet blenders. CNN reported that a "popular line of portable blenders could pose a danger to customers, and the brand is asking owners to stop using them immediately,

because they can catch fire or slash people.” www.cnn.com/2023/12/29/tech/blendjet-recall/index.html.

23. The Consumer Product Safety Commission also issued a statement regarding the recall warning that the “recalled blenders can overheat or catch fire and the blender blades can break off, posing fire and laceration hazards to consumers.” **Exhibit 37**.

24. Blendtec immediately began receiving regular, almost daily, calls and inquiries from Blendjet customers calling Blendtec about their recalled Blendjet blenders. The following are just a few examples:³

- (26) On January 2, 2024, a Blendjet customer called Blendtec stating that “I received a notice about the recall on the Blendtec, and I did try to submit that three or four times and it is not going through.” *See* **Exhibit 38** (Transcript of audio recording produced at Blendtec744201.).
- (27) On January 22, 2024, a Blendjet customer contacted Blendtec about the “BlendJet Recall,” stating that “I’m kind of scared something is wrong . . . I don’t want to use it.” **Exhibit 39**.
- (28) A Blendjet customer called Blendtec and stated “we saw on the news that there was a recall or something with the blades or the motor or something.” *See* **Exhibit 40** (Transcript of audio recording produced at Blendtec744202.).
- (29) A Blendjet customer called Blendtec and stated that “I’m calling in regards to the recall, and I wasn’t sure about the serial numbers. I purchased a two pack at Costco.” After Blendtec customer service advised the consumer that she had contacted the wrong company, the consumer stated “I guess you get that all the time.” *See* **Exhibit 41** (Transcript of audio recording produced at Blendtec744204.).
- (30) A Blendjet customer called Blendtec stating that “I have three personal blenders, that I believe are on recall.” *See* **Exhibit 42** (Transcript of audio recording produced at Blendtec744206.).

³ Because these are additional examples of consumer confusion, I have continued the numbering from the list above.

- (31) A Blendjet customer called Blendtec stating that “I would like to speak to somebody about my replacement product. Because I had to destroy my unit because there was a recall.” After Blendtec explained to the customer that they had called the wrong company, the customer seemed very perplexed and stated “I don’t understand.” *See Exhibit 43* (Transcript of audio recording produced at Blendtec744207.).
- (32) Another Blendjet customer called Blendtec stating that “I’m calling because I know that there is a recall for the Blendjet 2.” *See Exhibit 44* (Transcript of audio recording produced at Blendtec744208.).
- (33) A Blendjet customer called Blendtec and stated that “I bought two Blendtecs for my grandchildren . . . they both just totally died.” *See Exhibit 45* (Transcript of audio recording produced at Blendtec744209.). This customer referred to her Blendjet blenders as “Blendtecs” multiple times during the call.
- (34) A Blendjet customer contacted Blendtec about the Blendjet recall stating that “you had a recall on your handheld blender.” *See Exhibit 46*.
- (35) On February 5, 2024, a Blendjet customer who had purchased “your two blender mini blenders at Costco,” contacted Blendtec about replacing his “pair of Blendtecs.” *See Exhibit 47*.
- (36) On April 10, 2024, an angry Blendjet customer wrote to Blendtec demanding a refund on a recalled Blendjet blender and threatened to contact the Better Business Bureau of Utah and the Utah Division of Consumer Protection. *See Exhibit 48*.
- (37) In 2024, a Blendjet customer contacted Blendtec about the risk of fire and the recall and stated that she “bought a set of these two Blendtec’s at Costco.” *See Exhibit 49* (Transcript of audio recording produced at Blendtec744397.).
- (38) In 2024, a Blendjet customer contacted Blendtec about a replacement Blendjet following the recall. *See Exhibit 50* (Transcript of audio recording produced at Blendtec744412.).
- (39) In 2024, a Blendjet customer contacted Blendtec about the Blendjet recall, stating he was “trying to get my money back for that stupid thing that blew up.” *See Exhibit 51* (Transcript of audio recording produced at Blendtec744413.).

- (40) In 2024, a Blendjet customer contacted Blendtec to order the “new book for making smoothies.” Once Blendtec dispelled the confusion, the customer stated that “I would be kind of perturbed about” Blendjet’s name if he were from Blendtec. *See Exhibit 52* (Transcript of audio recording produced at Blendtec744402.).
- (41) In 2024, a Blendjet customer contacted Blendtec about his “Blendtec Blendjet,” stating “I have one of your little blenders,” and asked Blendtec to send a replacement cord. *See Exhibit 53* (Transcript of audio recording produced at Blendtec744415.).
- (42) In 2024, a Blendjet customer contacted Blendtec about the recall on her Blendjet. When Blendtec told her that she had the wrong company, the customer pushed back stating that she had purchased a “Blendjet from Blendtec.” Once the confusion had finally been dispelled, the customer stated that “I’m sure you do” get a lot of Blendjet calls and that she “always thought [Blendjet] was part of Blendtec.” The consumer continued, “You know, I am so taken in. I . . . I . . . Because the, on the package, it is the same symbol, you know, like the swirl?” *See Exhibit 54* (Transcript of audio recording produced at Blendtec744366.).
- (43) In 2024, a Blendjet customer complained to Blendtec about a faulty “Blendtec 2,” stating that “I bought a Blendtec, and it quit charging, so they sent me a Blendtec 2,” that would also not charge.⁴ *See Exhibit 55* (Transcript of audio recording produced at Blendtec744417.).
- (44) In 2024, a Blendjet customer contacted Blendtec about the “small” blender that the customer received without a cord. After Blendtec dispelled the customer’s confusion, the customer said, “I see you’ve had that happen before, huh?” *See Exhibit 56* (Transcript of audio recording produced at Blendtec744419.).
- (45) In 2024, a Blendjet customer contacted Blendtec about a recalled Blendjet blender. *See Exhibit 57* (Transcript of audio recording produced at Blendtec744420.).
- (46) In 2024, a Blendjet customer called Blendtec about “the little Blendtec” that was recalled, stating that “I really use my little Blendtec all the time.” *See Exhibit 58* (Transcript of audio recording produced at Blendtec744403.).

⁴ Blendtec does not make a “Blendtec 2.” This caller appears to be referring to Blendjet’s Blendjet 2 blender.


- (47) In 2024, a Blendjet customer contacted Blendtec about the recall and stated that she was “not real pleased.” *See Exhibit 59* (Transcript of audio recording produced at Blendtec744422.).
- (48) In 2024, a Blendjet customer contacted Blendtec stating that she had sent in her recalled “Blendtec,” but had not received a replacement. *See Exhibit 60* (Transcript of audio recording produced at Blendtec744423.).
- (49) A Blendjet customer called Blendtec stating that “I’m calling in reference to the recall of the Blendjet.” *See Exhibit 61.*
- (50) A Blendjet customer called Blendtec stating that “I, um, sent my blender back because of a recall, and I waited forever to get it . . . for it to come back to me, and when it did, it was broken.” *See Exhibit 62.*
- (51) A Blendjet customer called Blendtec about the “portable Blendtec,” stating that “we had bought a couple of the Blendtecs from Costco, and then you guys had a recall on them.” *See Exhibit 63.*
- (52) A Blendjet customer called Blendtec stating that “Kohls informed me about 4 months ago that they were doing a recall on the Blendtec It’s been four months, and I haven’t received my Blendtec.” After Blendtec customer service attempted to dispel the consumer’s confusion, she stated “no, I thought it was Blendtec.” *See Exhibit 64.*
- (53) A Blendjet customer called Blendtec about her Blendjet blender and stated that “My Blendtec won’t charge . . . I have a Blendtec, the single original, the single one.” *See Exhibit 65.*
- (54) A Blendjet customer called Blendtec and stated that she filled out “the Blendtec recall for a new Blendtec bottom. . . because the bottom was getting hot and catching fire.” *See Exhibit 66.*
- (55) On April 26, 2024, a Blendjet customer contacted Blendtec stating that “several months ago, you had a Blendjet that was recalled.” *See Exhibit 67* (Transcript of audio recording produced at Blendtec744411.).
- (56) A Blendjet customer called Blendtec about the “recall on my Blendtec,” the “little handheld blender.” After the customer’s confusion had been dispelled, she said “I’m sure you get this all the time.” *See Exhibit 68.*
- (57) A Blendjet customer called in about “claims in for a sort of replacement stuff for some Blendtecs . . . for a few Blendtec units that I had claims in for” subject to the recall. *See Exhibit 69.*

- (58) A Blendjet customer called in stating that “you guys had a recall on the little, small Blendtec blenders, the little mini ones.” *See Exhibit 70.*
- (59) A Blendjet customer called Blendtec “checking on the status of my replacement base because of the recall.” *See Exhibit 71.*
- (60) A Blendjet customer called Blendtec stating that “I had purchased one of, two packs of your Blendtec individual blenders at Costco” that were subject to the recall. *See Exhibit 72.*

25. Because Blendjet chose to use the Blendjet Marks to market and sell its blenders, Blendtec lost the ability to control its brand and reputation that it has painstakingly worked over decades to build. Blendtec has been forced to spend time and resources fielding hundreds and hundreds of inquiries from confused customers calling about Blendjet blenders. To add insult to injury, confused customers believe that the faulty, defective, and dangerous recalled blenders are Blendtec blenders. The incredible tarnish and damage to Blendtec’s reputation from this cannot be undone and is beyond measurement or calculation.

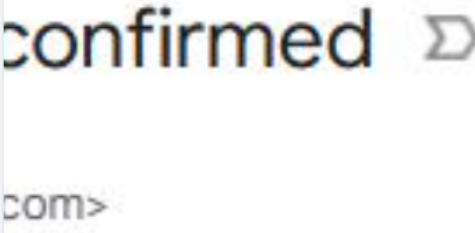
F. **In the wake of the recall, a brand-new market entrant doubles down on trademark infringement**

26. In the year following the recall, Blendtec and Blendjet attempted to settle the 2021 Action. It became clear that Blendjet was experiencing serious financial difficulties due to the recall, which was not surprising given its massive nature and scope. It was also clear from customer comments, including those received by Blendtec from confused Blendjet customers, that Blendjet was having a hard time dealing with the recall and processing the number of replacement blenders. I’ve seen dozens and dozens of comments from angry consumers who have not received their replacement blender. The following are just a few examples:

 **Gina Santamaria** is 🤔 feeling fed up.
December 14, 2024 · 🌐

I contacted [BlendJet](#) customer service:

"It's literally been a year since I submitted my replacement order due to the recall. That's a whole year that I haven't been able to use my Blendjet. And I haven't even received any updates since April. I am beyond angry at this point. At any time, your company could have made the decision to send a replacement Blendjet. Instead, I've been receiving emails about the new Blendjet designs while waiting to receive just a base unit that wasn't even the color that I ordered in the first place. I want a refund of my original purchase price of \$50. That's the least you can do at this point."



Dear BlendJet Customer,

This email serves as an update and does not require any immediate action from you. We are reaching out because our records show you have submitted a request for a replacement base and lid for the BlendJet 2, which was part of our recall announced on December 28, 2023. Due to unforeseen circumstances, we're currently experiencing delays processing and shipping these replacement parts.

The overwhelming response to this recall, coupled with unforeseen supply chain issues, has led to a shortage of replacement kits. While these kits are currently being shipped, it's important to understand that we won't be able to ship all of them immediately and some customers may not receive their replacements until June 2024. The first recall orders that were received are the first in line to receive replacement kits. Best of luck and we're sorry for the delay.

 **Mary Malik**
Totally agree...I have the same exact problem and lack of response--just checked the Better Business 'Bureau for them...they have an F rating...no surprise there.

13w Like Reply Edited 8 🇺🇸 🤔 🤔

 Candace Jurine replied · 1 Reply

 **Kowhai Epapara**
I'm in the same boat as you. I've emailed multiple times this year and it's always the same excuse

13w Like Reply 4 🤔 🇺🇸

 **Cheryl Bendlin**
Ten emails and they give me the exact return email but with a different signature 🤔 I'm beyond pissed off, they "can't issue a refund" What the **** is that?! So in other words, they ripped us off! Making all these new ones and they can't seem to be able to send us our parts? It's ridiculous! I've been waiting since Jan 8 🤔 🤔

13w Like Reply 2 🤔

 **Cheryl Bendlin**
All I know is it showed me and the person I gave it to as a gift, that Blend jet is unreliable and they're thieves

13w Like Reply Edited 3 🇺🇸 🤔 🤔



<https://www.facebook.com/gina.santamaria/posts/pfbid02AffmmJKwQpB3Cniru55xMmZK9Arn4Tn6nLk3yYpD4s8mamUN1i6ciSdFQ2dd7xwUl>.

27. Blendtec negotiated in good faith with Blendjet to find a resolution to the 2021 Action. In response, Blendjet essentially threatened Blendtec with Blendjet's approaching insolvency, intimating that Blendtec had no chance of any recovery and that it should get what it could and walk away. Blendjet's demands were unreasonable. Although the harm that Blendjet has caused Blendtec cannot be compensated or undone, at this point, Blendtec fully expected that Blendjet would imminently go out of business and the trademark infringement would finally come to an end.

28. In early January 2025, Blendtec learned that Blendjet's assets, including the Blendjet Marks, would be imminently transferred to a private equity firm called Sandton Capital Partners ("Sandton").

29. In response, on January 9, 2025, Blendtec sent through our counsel a letter to Sandton, providing notice of Blendtec's trademark infringement claims related to the Blendjet

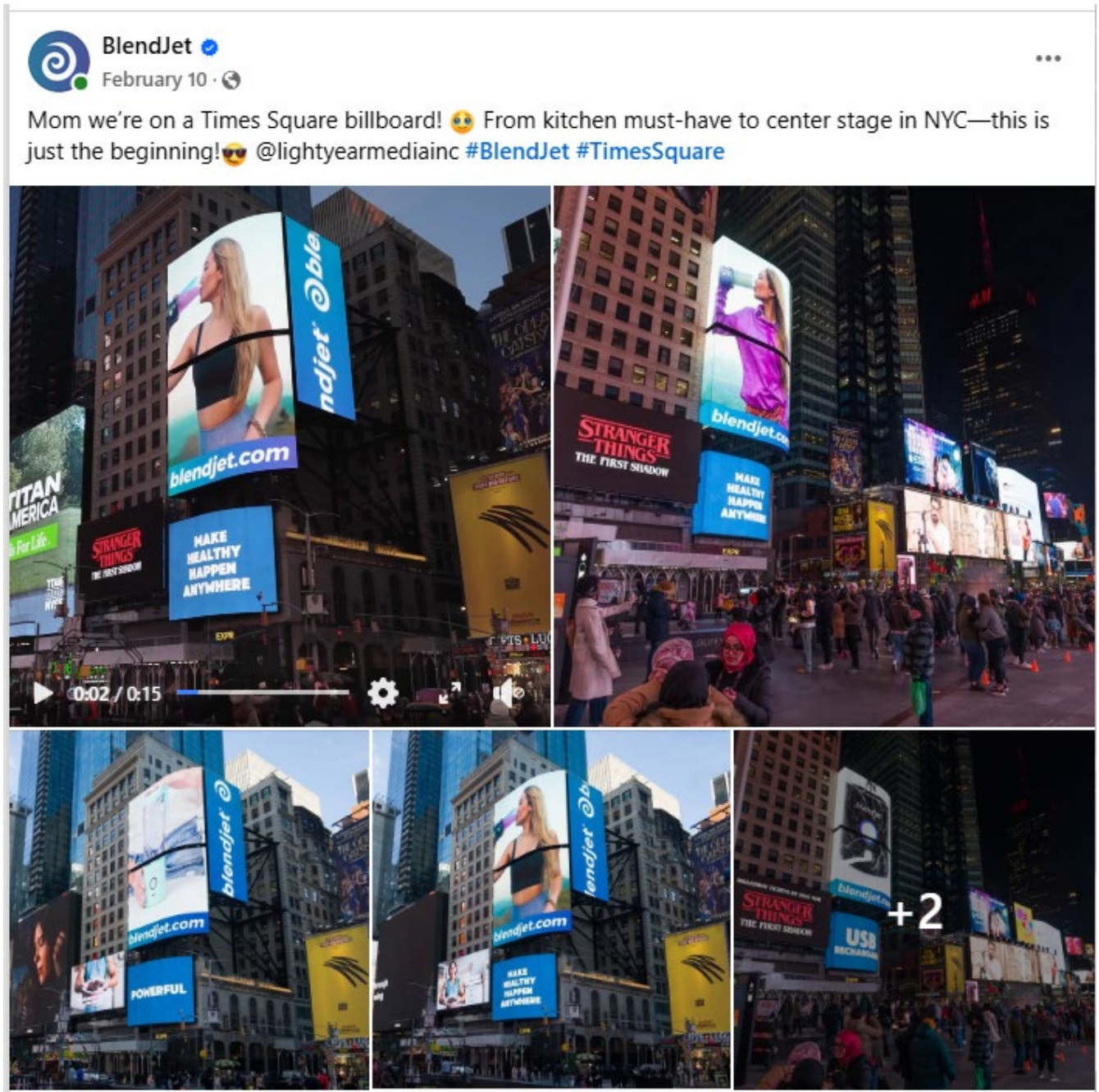
Marks, objecting to any use of those marks by Sandton, and inviting a discussion with the Blendtec executive team.

30. I understand that Sandton did not respond to our January 9 letter until February 10, 2025.

31. I understand and have been advised that, on January 30, 2025, Blendtec's counsel had a status conference with Blendjet's counsel in the 2021 Action. I understand that, during that conference, Blendjet disclosed to Blendtec's counsel that Sandton had purchased a loan secured by Blendjet's assets from Wells Fargo. Blendjet also disclosed that Sandton had later foreclosed on Blendjet's assets and sold them to a new entity, including the trademarks at issue. Blendjet declined to disclose the name of the new entity. Blendjet represented that it no longer had any assets and intended to dissolve, but the timing of dissolution was uncertain. Blendjet further represented that Blendjet was still operating the Blendjet website and selling blenders for and on behalf of the new unnamed entity, and that the proceeds would go to the new entity.

32. On February 7, 2025, we discovered that Blendjet recorded with the USPTO a trademark assignment naming Mavorco Operations, LLC, a newly formed entity, as the assignee and new owner of the Blendjet Marks. We also discovered that Mavorco executed the assignment on January 13, 2025, *after* we provided Sandton with notice of Blendtec's infringement claims and objected to any use by Sandton of the Blendjet Marks.

33. Although Blendtec did what it could to persuade Sandton, Blendjet, and Mavorco to rebrand and put a stop to the trademark infringement, on February 10, 2025, Mavorco made its intentions to continue infringing the Blendtec Marks crystal clear by plastering them all over Times Square and publishing pictures of it on social media, proclaiming that "this is just the beginning!":



<https://www.facebook.com/blendjet/posts/pfbid0rsrMbFxALXEj3y65VNRtkhr6hxAQWQ12vXJR1htcJDLayDUYkHMLVRL1CdZVCcjDSI>.

34. Much to Blendtec's enormous disappointment, a brand-new company, which appears to be well-funded, has entered the market and is infringing the Blendtec Marks, blatantly,


intentionally, and with undisputed and full knowledge of Blendtec's rights and claims.

35. On February 11, 2025, Blendtec filed suit against Mavorco, resulting in the above-captioned action. Blendtec also named Blendjet as a defendant since it is using the Blendjet Marks on behalf of Mavorco.

36. Blendtec is suffering enormous and incalculable harm to its reputation and goodwill due to the confusion caused by the Blendjet Marks and Blendjet's inferior products, which consumers are attributing to and associating with Blendtec. The circumstances have drastically changed. After Blendjet's disastrous recall, we were led to believe that Blendjet was on the brink of bankruptcy and would go out of business putting an end to the devastating trademark infringement. Instead, a brand-new and well-funded entity was formed with the express purpose of carrying on Blendjet's business and infringing Blendtec's Marks. Blendtec respectfully requests that the Court put an end to this injustice and the enormous and irreparable harm that Blendtec is suffering and issue a preliminary injunction prohibiting Mavorco from infringing the Blendtec Marks and prohibiting Blendjet from infringing the Blendtec Marks on Mavorco's behalf.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED this March 26, 2025.



Brian Buchanan